

REMARKS

Though not, for the reasons of record, concurring with the Office that the disclosure of the Hale patent anticipates claims 12, 15 -18 and 21 [(Sec. 102(b) rejection], or that the proposed combination of the Hale, Sano and Sato et al patents would be "obvious" to one of ordinary skill in this art such as to anticipate the terms of the remaining claims 13, 14, 19, 20 and 22 [(Sec. 103(a) rejections], applicants have replaced these claims with claims 23-25 that are believed more clearly to distinguish the novelty of their advance in safer driver entertainment-deck and cellular radio-telephone control, particularly through diversionless driver commands spoken right at the steering wheel region.

Claims 14 and 20

These claims, originally depending from now cancelled respective claims 13 and 15, were rejected as met by an "obvious" combination of the Hale, Sano and Sato et al patents.

As to this proposed combination, however, the Office has conceded that the primary reference to Hale,

"is silent as to a driver-operated switch control located at the steering wheel structure". (Page 3 of Office action).

The Hale patent, in the words of the Office (page 4),

"is also silent as to voice activated switches".

The Office is correct that Hale is "silent"--the whole Hale invention, indeed, being specifically designed, to the contrary, for using the existing push-button controls sequentially on the dash-board radio/recorder panel (col. 4, lines 15-17, 34-42, 65 on; claims 1-3).

Where the primary reference has no teaching or even suggestion, let alone motivation--certainly not to destroy its very intended and claimed panel sequential switches--, it is improper to conjure up a Sec. 103(a) "obviousness" rejection.

Since Hale admittedly had no such disclosures or even suggestions, this clearly demonstrates that the Office obtained its clue to propose the use of the Sano and Sato et al patents purely from the hindsight of applicants' disclosure and not from any motivation or teaching of the Hale patent.

This is the very type of improper use of a Sec. 103(a) "obviousness" type rejection condemned by the Court of Appeals for the Federal Circuit in *In re Zurko*, 46 USPQ 2d 1691

(Fed. Cir. '98) at 1479, and in *In re Gordon*, 221, USPQ 1125 (Fed. Cir. '84), as quoted in applicants' remarks accompanying Amendment A in the parent application.

It is important, furthermore, to point out to the Office that the Sato et al and Sano patents do not at all disclose what applicants have done, or what is now even more clearly delineated in new independent claims 23-25.

What The Japanese Patent To Sano Actually Discloses And What It Does Not Teach And Cannot Do

The purpose of the patent to Sano is to answer an incoming call on a mobile telephone set in an automobile when the driver is unable to talk, with a pre-recorded voice message. This is affected by pressing a button on the steering wheel which, in the words of the English description, activates "a tape recorder or the like, which sends recorded (voice) messages... via the controller 3... to the opposite party" informing the caller, for example, that the driver is "too busy to answer", etc. and that the caller should "leave your message on this recorder".

At most, this only teaches the answering of the car telephone with a pre-recorded message initiated by a steering wheel button.

It has nothing whatever to do with applicants' concept of the driver speaking pre-designated commands that control the cellular telephone switching.

This disclosure, indeed, also has nothing whatever to do with applicants' specific problem and solution of enabling the driver, at the steering wheel region itself, to give such live speech commands to a voice-responsive switch thereat that will automatically activate the driver's car phone, both to call and to respond to a call just by live speaking, as described, for example, on page 16 and elsewhere in applicants' specification. This not only achieves the applicants' novel result of enabling the driver to engage in a live telephone connection and exchange, without the distraction of hand operations; but also provides the further novel flexibility, also outside the scope of Sano, also to remotely actuate the vehicle entertainment deck for any or all of its radio program reception and/or recording and player functions by respective live voice commands by the driver.

What the Patent to Sato et al Actually Discloses
And What It Does Not Teach And Cannot Do

As for the patent to Sato et al, this deals with "a voice-operated starter (circuit) for ... automatic starting of the tape recorder from a remote location" (col. 1, lines 37, on).

The implementation involves voice-modulating an FM wireless transmission, receiving that transmission in a FM tuner 29, demodulating the voice signal therefrom, and feeding the demodulated signal "to the voice-operated starter circuit (2)... to start the operation of the tape recorder... thus allowing a voice input to the microphone assembly 30 to be recorded on tape 42" (col. 7, line 13, on) of "a miniature size cassette tape recorder" (col. 1, line 55).

From a broad viewpoint, therefore, the Office is correct that this involves "voice-command activated switches" (page 5, first complete paragraph).

But the Office is totally incorrect in then interpreting that

"Sato et al discloses a driver actuated
 switch effected by the driver via
 voice-command actuated switches".

In the first place, the patent to Sato et al has in fact nothing whatever to do with vehicle entertainment deck systems,, or even drivers of vehicles, as such -- dealing only generically with portable "miniature size cassette tape recorder (s)".

There is not one word, let alone even a hint or suggestion, in the patent that any concepts or teaching therein were directed to, or useful in, the solution of applicants' problem of providing diversionless driving in a vehicle. The problem underlying the Sato et al patent, to the contrary, was the very different problem of preventing "interference" (col. 5 line 4, col. 7, line 7) by unwanted voice signals during broadcasting through use of the intermediary of the FM transmission of the modulated desired voice signal for starting the recorder.

This clearly has nothing to do with applicants' novel approach wherein drivers give direct and live voice switching commands right at the steering wheel region of vehicles; and certainly is not remotely suggested by the use in Sato et al of the intermediary of FM wireless transmissions to generate demodulated transmitted voice signals.

New Claims 23-25

Even were it legally proper to try to combine all these references (which, as earlier shown is not the case), no possible combination of all their teachings, individually or

collectively, can possibly result either in attaining applicants' novel results or meeting the limitations of substituted claims 23-25.

Turning first to claim 23, it initially recites the environment of a vehicle with an entertainment deck and cellular radio telephone as follows:

" In a driver-operated vehicle provided with a vehicle entertainment deck including one or more of storage-medium player, dictation recorder and AM/FM radio-receiver components, and a vehicle cellular radio telephone for use by the driver in the vehicle".

Claim 23 continues:

" apparatus for enabling the driver, while seated at the steering wheel region of the vehicle, to access any and all of said components of the entertainment deck and also to access the cellular radio telephone, all in a diversionless manner with full attention to driving, said apparatus comprising separate control switches for turning each of said entertainment components on and off".

While Hale teaches an entertainment deck and its components, he is not concerned with accessing control switches in a diversionless manner. Neither Sano nor Sato et al are concerned with entertainment decks, the latter, however, dealing with a miniature tape recorder cassette having no relation to a vehicle.

Claim 23 then recites:

"a further control switch for enabling the activating and deactivating of the cellular radio telephone".

Only Sano is concerned with a mobile vehicle telephone.

Continuing with claim 23, it then calls for:

"and voice-controlled switching means disposed at said steering wheel region and programmed with a plurality of pre-designated separate voice commands for the respective operation of each of said entertainment deck components and also of the cellular radio telephone; the voice-controlled switching means being responsive to the driver speaking the respective pre-designated commands live at said steering wheel region for thereupon effecting the activating of the corresponding control switch".

As earlier shown, Sano, while actuating a pre-recorded voice message answering response for the mobile telephone by the steering wheel button, totally lacks applicants' claimed concept of providing thereat "voice-controlled switching...responsive to the driver speaking...live at said steering wheel region" the "programmed...plurality of pre-designated separate voice commands", let alone commands "for the respective operation of each of said entertainment deck components and also of the cellular radio telephone".

None of the references individually or in any possible combination anticipates this novel teaching of the applicants, such that claim 25 is clearly allowable.

Claims 24 and 25 contain the same novel limitations but are respectively limited to the cellular telephone and the entertainment deck components and are thus also allowable.


Claim 26 and 27 depend from respective allowable claims 24 and 25, adding applicants' further optional button switches.

Since previously requested claims 14, 16, 17, 18, 19, 20 and 22, as amended, have now been made dependent on either allowable claims 25 or 23, they are also now believed to be allowable.

Reconsideration and allowance therefore appear to be in order and are thus respectfully requested.

Respectfully submitted,

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